

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Uniformed Fire Officers Association; Uniformed  
Firefighters Association of Greater New York; Correction  
Officers' Benevolent Association of the City of New  
York, Inc.; Police Benevolent Association of the City of  
New York, Inc.; Sergeants Benevolent Association;  
Lieutenants Benevolent Association; Captains Endowment  
Association; and Detectives' Endowment Association,

Petitioners,

-against-

Bill de Blasio, in his official capacity as Mayor of the City  
of New York; the City of New York; Fire Department of  
the City of New York; Daniel A. Nigro, in his official  
capacity as the Commissioner of the Fire Department of  
the City of New York; New York City Department of  
Correction; Cynthia Brann, in her official capacity as the  
Commissioner of the New York City Department of  
Correction; Dermot F. Shea, in his official capacity as the  
Commissioner of the New York City Police Department;  
the New York City Police Department; Frederick Davie,  
in his official capacity as the Chair of the Civilian  
Complaint Review Board; and the Civilian Complaint  
Review Board,

Defendants.

----- X  
**TO: THE UNITED STATES DISTRICT COURT,  
SOUTHERN DISTRICT OF NEW YORK**

Defendants Bill de Blasio, in his official capacity as Mayor of the City of New  
York; the City of New York; Fire Department of the City of New York; Daniel A. Nigro, in his  
official capacity as the Commissioner of the Fire Department of the City of New York; New  
York City Department of Correction; Cynthia Brann, in her official capacity as the  
Commissioner of the New York City Department of Correction; Dermot F. Shea, in his official  
capacity as the Commissioner of the New York City Police Department; the New York City  
Police Department; Frederick Davie, in his official capacity as the Chair of the Civilian

**NOTICE OF REMOVAL**

Case No. 20 CV 05441

Complaint Review Board; and the Civilian Complaint Review Board, (collectively “Defendants”), by and through their attorney, James E. Johnson, Corporation Counsel of the City of New York, respectfully moves this Court as follows:

1. On July 14, 2020, Defendant City of New York received a Summons and Petition by e-mailed service on the Office of the Corporation Counsel, filed in the Supreme Court of the State of New York, County of New York, under Index No. 154982/2020E, naming the Defendants therein, and setting forth the claims for relief upon which the action is based.

2. A copy of Plaintiff’s Summons and Complaint is annexed hereto as Exhibit “A.”

3. Petitioners bring this action seeking to temporarily and permanently enjoin Defendants from releasing unsubstantiated and non-final disciplinary records of firefighters, police and correction officers and alleging, among other things, potential violations under 42 U.S.C. §1983 of both the Due Process Clause and the Equal Protection Clause of Fourteenth Amendment. Petitioners also allege a breach of their respective collective bargaining agreements, a breach of contract claim and allege that Defendants’ acts were affected by an error of law or are arbitrary and capricious in violation of New York Civil Practice Law and Rules § 7803. Finally, Petitioners request declaratory relief. See Exhibit “A.”

4. The above-captioned action is a civil action of which the District Court has original jurisdiction pursuant to 28 U.S.C. § 1331, in that it alleges claims which arise under the laws of the United States. This action is therefore removable to the District Court without regard to the citizenship or residence of the parties, pursuant to 28 U.S.C. §§ 1441 and 1443.

5. This Notice of Removal is timely because it is being filed within thirty (30) days of Defendant’s receipt of the Summons and Complaint. See 28 U.S.C. § 1446 (b).

6. Defendant will promptly file a copy of this Notice of Removal with the Clerk of the State Court in which the action is pending.

**WHEREFORE**, Defendants respectfully request that the above-captioned action be removed from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York.

Dated: New York, New York  
July 15, 2020

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By: /s/ *Rebecca Jo Quinn*  
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Docket No. 20 CV 05441

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Uniformed Fire Officers Association; Uniformed Firefighters Association of Greater New York; Correction Officers' Benevolent Association of the City of New York, Inc.; Police Benevolent Association of the City of New York, Inc.; Sergeants Benevolent Association; Lieutenants Benevolent Association; Captains Endowment Association; and Detectives' Endowment Association,

Petitioners,

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Defendants.

**NOTICE OF REMOVAL**

**JAMES E. JOHNSON**

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*Due and timely service is hereby admitted.*

*New York, N.Y....., 2020*

*..... Esq.*

*Attorney for.....*